

REMARKS

Claims 1-20 are pending in the present application. Claims 12-15, 19 were rejected under 35 U.S.C. §102(b) as being anticipated by Inoue, U.S. Patent No. 5,418,769. Claims 1-11, 16-18, 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schöppe, U.S. Patent No. 5,861,984 in view of Inoue.

Claims 1 and 12 have now been amended. Claims 4 and 13 have now been canceled.

Reconsideration of the application is respectfully requested.

Form PTO-1449

The Examiner had requested in the Office Action dated August 26, 2004 that a copy of the form PTO-1449 from the Information Disclosure Statement filed on July 11, 2003 be submitted. A copy of that PTO-1449 was accordingly submitted with the applicant's response dated November 24, 2004. Applicant respectfully requests that the Examiner acknowledge the Information Disclosure Statement by providing a signed copy of the PTO-1449.

Rejection under 35 U.S.C. §102(b)

Claims 12-15, 19 were rejected under 35 U.S.C. §102(b) as being anticipated by Inoue, U.S. Patent No. 5,418,769.

Inoue describes a beam splitter having three prism members A, B and C. See Abstract and Fig. 14.

Independent claim 12 of the present application has been amended to incorporate the limitations of dependent claim 13. Claim 13 has accordingly been canceled. Claim 12 as amended now recites "wherein the light beam bundle contains light of at least two wavelengths and wherein the exit angle is identical for the light of at least two wavelengths." It is respectfully submitted that Inoue does not teach or suggest that the exit angle is identical for light of at least two wavelengths. In contrast, Inoue merely describes that the beam splitter 41 can correct chromatic aberration by an achromatizing action and suppress the influence of wavelength fluctuation of laser light. See Inoue, col. 6, lines 36-39. Inoue nowhere teaches or suggests that the exit angle of the described light wavelengths 780 nm and 830 nm is

identical. Because Inoue is missing at least the above-recited feature of independent claim 12, it cannot anticipate this claim or its remaining dependent claims 14-15 and 19.

For at least the above reasons, withdrawal of the rejection of independent claim 12, as well as its dependent claims 13-15 and 19, under 35 U.S.C. §102(b) is respectfully requested.

Rejection under 35 U.S.C. §103(a)

Claims 1-11, 16-18, 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schöppe, U.S. Patent No. 5,861,984 in view of Inoue.

Schöppe describes a beamsplitter ST having an angle β conjointly defined by faces F1 and F2 of a prism P1, the angle β being not equal to 90 degrees. See col. 2, lines 38-45, and Fig. 2.

Independent claims 1 and 12 of the present application have been amended to incorporate the respective limitations of dependent claims 4 and 13. Claims 4 and 13 have accordingly been canceled. Claims 1 and 12 as amended now recite "wherein the light beam bundle contains light of at least two wavelengths and wherein the exit angle is identical for the light of at least two wavelengths." As discussed above relative to the rejection under 35 U.S.C. §102(b), Inoue does not teach or suggest this feature. It is respectfully submitted that Schöppe also nowhere teaches or suggests this feature. Because both Inoue and Schöppe fail to teach or suggest the above-recited feature of independent claims 1 and 12, it is respectfully submitted that a combination of these references, to the extent proper, could not render claims 1 or 12 or their respective remaining dependent claims 2, 3, 5-11, and 16-18, 20 unpatentable.

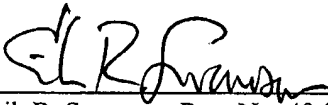
For at least the above reasons, withdrawal of the rejection of independent claims 1 and 12, as well as their respective dependent claims 2-11 and 16-18, 20, is respectfully requested.

CONCLUSION

It is respectfully submitted that the application is now in condition for allowance.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 
Erik R. Swanson, Reg. No. 40,833

Davidson, Davidson & Kappel, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
(212) 736-1940